APPENDIX

1. *Emergency Price Control Act of 1942* (Act of January 30, 1942, 56 Stat. 23, 50 U. S. C. App., Supp. III, Sec. 901 et seq.).

SEC. 4. (a) It shall be unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2, or of any price schedule effective in accordance with the provisions of section 206, or of any regulation, order, or requirement under section 202 (b) or section 205 (f), or to offer, solicit, attempt, or agree to do any of the foregoing.

SEC. 205 (e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business may bring an action either for $50 or for treble the amount by which the consideration exceeded the applicable maximum price, whichever is the greater, plus reasonable attorney's fees and costs as determined by the court. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be. If any person selling

a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, and the buyer is not entitled to bring suit or action under this subsection, the Administrator may bring such action under this subsection on behalf of the United States. Any suit or action under this subsection may be brought in any court of competent jurisdiction, and shall be instituted within one year after delivery is completed or rent is paid. The provisions of this subsection shall not take effect until after the expiration of six months from the date of enactment of this Act.

2. *Stabilization Extension Act of 1944* (Act of June 30, 1944, 58 Stat. 640, 50 U. S. C. A. App. sec. 925).

SEC. 108 (b) Subsection (e) of section 205 of the Emergency Price Control Act of 1942, as amended, is amended to read as follows:

"(e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business may, within one year from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the seller on account of the overcharge. In such action, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (1) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) an amount not

less than $25 nor more than $50, as the court in its discretion may determine: *Provided, however,* That such amount shall be the amount of the overcharge or overcharges or $25, whichever is greater, if the defendant proves that the violation of the regulation, order, or price schedule in question was neither wilfull nor the result of failure to take practicable precautions against the occurrence of the violation. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be; and the word 'overcharge' shall mean the amount by which the consideration exceeds the applicable maximum price. If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, and the buyer either fails to institute an action under this subsection within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the Administrator may institute such action on behalf of the United States within such one-year period. If such action is instituted by the Administrator, the buyer shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subsection by either the buyer or the Administrator, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages under this subsection shall be a bar to the recovery under this subsection of any damages in any other action against the same seller on account of sales made to the same pur-

chaser prior to the institution of the action in which such judgment was rendered."

SEC. 108 (c) The amendment made by subsection (b), insofar as it relates to actions by buyers or actions which may be brought by the Administrator only after the buyer has failed to institute an action within thirty days from the occurrence of the violation, shall be applicable only with respect to violations occurring after the date of enactment of this Act. In other cases, such amendment shall be applicable with respect to proceedings pending on the date of enactment of this Act and with respect to proceedings instituted thereafter.

3. *Maximum Price Regulation No. 133*, 7 F. R. 3185, issued April 28, 1942, effective May 11, 1942, as amended January 4, 1943, 8 F. R. 234, and February 20, 1943, 8 F. R. 2286.

§ 1361.3a *Maximum prices—used equipment*—(a) *Base price.* (1) In determining the maximum price for any of the following items of used farm equipment, a "base price" must first be calculated:

Farm tractors (except crawler tractors)
Combines
Corn pickers
Corn binders
Hay balers (motor or tractor operated)

A combination of any of the above listed items with other items of farm equipment specifically designed for mounting thereon, provided the combination is sold as a unit.

(2) The "base price" is the first of the following which is available:

(i) The manufacturer's suggested retail price for the same item of equipment f. o. b. factory which is currently in effect or if there is no such price currently in effect, the manufacturer's suggested retail price last issued; or

(ii) If the item of equipment has no manufacturer's current suggested retail price and never had any, the maximum price for which the same or nearest equivalent item might be sold new by any dealer in the locality, minus carload freight from the plant of the manufacturer thereof.

(3) In the case of a combination sale referred to in subparagraph (1), the maximum price for the unit shall be equal to the sum of the maximum prices of each of the items of farm equipment sold as part of the unit.

(b) *Maximum prices—sales by farmers, auctioneers, etc.* The maximum price applicable to the sale by any person other than a retail dealer of any item of used farm equipment listed in paragraph (a) of this section shall be 85% of the "base price" if the item is sold within one year after sale new, and in any other case shall be 70% of the "base price." This paragraph does not apply to items of used farm equipment not listed in paragraph (a) of this section.

(c) *Maximum prices—sales by dealers—in general.*—(1) In general, the maximum price applicable to the sale by any retail dealer of any item of used farm equipment including items listed in paragraph (a) of this section shall be the sum of—

(i) The trade-in allowance granted or purchase price paid by the dealer, or, in the case of a

repossessed item, the balance due to the dealer, distributor, manufacturer, or finance company;

(ii) $15 or 5% of (i), whichever is the greater;

(iii) The maximum prices herein specified for such parts as are needed and used in repairing the equipment;

(iv) A charge for other materials and for labor needed and used in repairing the equipment, not to exceed maximum prices determined in accordance with the applicable maximum price regulations issued by the Office of Price Administration.

In no event, however, shall the price so calculated for any item of used farm equipment listed in paragraph (a) of this section exceed 85% of the "base price" if the item is sold within one year of its sale new, or 70% of the "base price" in any other case.

(2) In the case of a sale by a dealer of any item which has been transported more than 100 miles from the place of its purchase, there may be added to the price as calculated in subparagraph (1) above, the actual cost of transportation from the place of purchase to the dealer's place of business.

U. S. GOVERNMENT PRINTING OFFICE: 1945